CPCS FY 2005 Budget Request

December 9, 2003

<u>Index</u>

	Page
Budget Overview Spreadsheet	. 1
Public Defender, Agency Operations & Administration Budget Line 1500	2-3
Private Counsel Case Fees Budget Line 1510	4
Indigent Court Costs Fund Budget Line 1520	5
Cost Breakout of Expansion	6-10
Private Bar Rate Increase Cost Analysis	11

CPCS FY 2005 Budget Request

Appropriations 0321	1500	1510 Private	1520 Court	Total
Appropriations	Public Defender,		Costs	10441
	Operations,	Counsel	Costs	
	Adminstration	50 201 404	6,014,020	80,620,52
FY 2004 Appropriations	15,225,009	59,381,494	0,014,020	80,020,32
f I 2004 Appropriation			ŀ	
		1,022,951	414,947	1,437,89
PAC from 2003			1	
		13,000,000	2,000,000	15,000,00
Anticipated Supplement	250,000	15,000,000		250,00
Anticipated revenue from 0321-1518	250,000			
•	15,475,009	73,404,445	8,428,967	97,308,42
Total 2004 Appropriations, PAC & 1510/20 Supplement	15,475,009	75,40 1,1 15	0,1	
		1	ł	
		1	l	
Maintenance:	1,400,000			1,400,00
Attorney salary increase	105,682	1		105,68
az di amor, stoff solary increase	105,002	4,133,142	o	4,133,14
Land Sorvices & Court Costs Expected '05 Glowin	80,867	.,,		80,86
Maintenance Increases (Positions filled in '04)	00,007			
	17,061,558	77,537,587	8,428,967	103,028,11
Total Including Maintenance	1,,002,00		·	
			İ	
Expansion:	230,000	1		230,00
Restore Public Defender positions and 1 Investigator				•
> PD's (2 Springfield; 1 Worcester, Brockton, Lowen)				
> Investigator 1 Lowell	344,100	·	· ·	344,10
Add 1 SDP Office	269,100			269,10
Add 1 SORB Office	2,411,400			2,411,40
Add 6 New CAFL Offices - 5 Attorney model				601.46
Add 2 New CAFL Offices - 3 Attorney model	621,400			621,40
	656,000		·	656,00
Add 4 Youth Advocacy (YAP) Units	050,000			
		-4,330,395	-30,000	-4,360,39
Private Counsel & Court Cost Vendor Savings Offset		1.000.005	20,000	171,60
T. J. T region	4,532,000	-4,330,395	-30,000	1/1,00
Total Expansion				
			0.000.00	102 100 2
D. C. Data Increase	21,593,558	73,207,192	8,398,967	103,199,7
Total Before Rate Increase	•			06.510.0
Private Attorney Hourly Rate Increase to Committee		86,519,844	1	86,519,84
Private Attorney Hoursy Nate mercane				1
Approved Levels				
	21,593,558	159,727,036	8,398,967	189,719,5
Total	, , , , , , , , , , , , , , , , , , ,			1
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Committee for Public Counsel Services FY 2005 Budget Proposal 0321-1500 Public Defender Programs (including CAFL, YAP) Agency Operations and Administration

Effective FY 2004, this budget line became a consolidated account for all salaried staff CPCS operations. It funds public defender and staff attorney salaries, non-attorney staff salaries, office space and administrative support. Also included in this line item are critical training, certification, assignment, quality control and support services for 125 staff counsel and 2,500 Private Bar Advocates providing assigned counsel in more than 244,000 cases annually. Furthermore, this budget line provides funding for all CPCS bill processing, auditing and information technology services.

These critical functions must be maintained and enhanced in order to responsibly manage the workload increases caused by the continuing growth in assigned counsel cases and indigent court costs. Funding of this line enables CPCS to implement and control cost reduction initiatives necessary to manage upwards of \$100 million in attorney fees and court costs on some 286,000 bills. The 2005 plan continues CPCS attorney fees and court costs on some 286,000 bills. The Judiciary and the efforts to bring rational and fiscally responsible management to the Judiciary and the Commonwealth.

The CPCS Youth Advocacy Program (YAP) brings a nationally recognized, innovative, multi-disciplinary approach to the legal representation of children. In a very real sense, YAP works to prevent future criminal acts through early and positive intervention. Providing YAP staff attorneys to children facing delinquency or youthful offender charges in critical regions beyond YAP's Roxbury base is a high CPCS priority.

CAFL similarly fills a vital need for effective representation of children and parents in Care and Protection cases. Every C&P filing represents a family in crisis, and a child or children at risk. Our successful staff operations in Salem and Springfield should be expanded statewide.

The following are the areas in need of increased funding over the FY 2004 reduced appropriation levels:

Maintenance:

 A salary increase for all staff attorney positions is proposed to approximate the Counsel I and Counsel II scale.

Budget request:

\$1,400,000

A 3% cost of living increase is proposed for all non-attorney staff positions.

Budget request:

\$105,682

 Maintenance is required to annualize salaries for positions vacated by attrition, but filled during FY 2004.

Budget request:

\$80,867

Expansion:

Each of the proposals below are required to manage increasing case loads and assure the availability of counsel.

 Proposal to refill five attorney positions and one investigator (6 total FTE) in the geographic areas of immediate need – Worcester, Brockton, Lowell, Springfield.
 Vacancies are due to attrition caused by three years of reduced appropriations and have remained unfilled for many months.

Budget request:

\$230,000

Proposal to add one SDP office.

Budget request:

\$344,100

Proposal to add one SORB office.

Budget request:

\$269,000

Proposal to add six CAFL offices using a 5 Attorney Model.

Budget request:

\$2,411,000

Proposal to add two CAFL offices using a 3 Attorney Model.

Budget request:

\$621,000

Proposal to add four YAP offices.

Budget request:

\$656,000

We expect the representation provided by CPCS staff in the above proposals will result in cost savings that will offset dollars spent in the 1510 & 1520 accounts designated for private counsel representation and related court costs.

Total savings estimate:

\$4,330,395 in line item 0321-1510

FY 2005 Line 1500 Budget Request

\$21,593,558

Committee for Public Counsel Services FY 2005 Budget Proposal 0321-1510 Private Counsel Case Fees

The baseline projection for private attorney compensation in all cases (before needed hourly rate increases) is \$77,537,587. Increasing hourly rates by to previously approved committee levels of \$120/hour for murder cases, \$90 for Superior Court/C&P cases and \$60/hour for all other cases would add \$86.5 million to this budget request, for a total appropriation of \$159,727,036. This total factors in cost savings realized by CPCS office expansion previously cited.

Overview Of The Construction Of The FY 2005 Budget Request

	(\$ Thousands)
FY 2004 Appropriation Add FY '05 expected Growth Sub-total	\$ 73,404 <u>\$ 4,133</u> \$ 77,537
Less FY '05 CPCS office/staff expansion offset Sub-total before rate increase	<u>\$ (4,330)</u> \$ 73,207
Add Committee Approved Attorney Rate Increase	<u>\$ 86,520</u>
FY 2005 Line 1510 Budget Request	\$159,727

Committee for Public Counsel Services FY 2005 Budget Proposal 0321-1520 Indigent Court Costs

The FY 2005 CPCS Indigent Court Cost budget request is \$8,428,967 based on level rate of growth expected in fiscal year 2005. Although the expenses in this account are currently trending downward from FY 2003 to FY 2004, this is contrary to increasing case load and hours billed data. CPCS will continue to investigate why assigned counsel are not utilizing this resource as in the past and we propose level funding for FY 2005 until more than anecdotal data can be gathered.

Line 0321-1520 is unique among CPCS budget lines, in that CPCS acts only as a disbursing agent for indigent party costs, in CPCS and non-CPCS cases alike, which have been authorized by a judge. Although its responsibility is thus restricted, CPCS has taken concrete steps to control growth through various initiatives. For example, audits are being conducted, billing rate ranges for a variety of expert categories have been defined, and every attorney who receives a court order which authorizes the provision of a service at public expense is required to certify actual receipt of that service.

The \$8.4 million FY 2005 request breaks down approximately into the following areas of expenditure:

(Thousands \$)

Psych Exam \$2,500 Investigation \$2,500 Transcription \$1,300 Expert Witness \$800	Summons Delivery Photocopying Interpreter All Other	\$ \$	350 200 75 575
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Overview Of the Construction Of The FY 2005 Budget Request

FY 2004 Actual Appropriation Less savings offset new staff investigator	(\$ Thousands) \$8,429 <u>\$ (30)</u>
FY 2005 Line 1520 Budget Request	\$ 8,399

SDP Office Expansion One Time and Recurring Annual Charges Per Office

One Time Charges		\$1200 per office, plus \$3,000 for Conference,
Furniture \$ Phone System and Line Inst \$	10,200.00 6,500.00	Reception, Kitchen
DSL Install	500.00 10,700.00	6 Computers - @\$1200/each, 1 Server
Computer Equipment \$ Advertising \$	1,500.00	@\$3500
Supplies \$ Total One Time Charges	1,200.00	30,600.00

Recurring Annual Charges			 Salaries for 1 Office Head, 4 attorneys, 1 Admin, plus 1.5% for DD
Payroll & DD Rent Phone Service Internet Service Supplies Travel Copy/FAX/Print Lexis	**********	279,000.00 19,000.00 4,800.00 3,000.00 1,000.00 1,800.00 3,000.00 1,900.00	1000 Square feet @19.00/square foot
Total Recurring Annual Ch	arges	S	\$ 313,500.00

Salary assumptions for above

ore - Hood			\$80,500
Office Head			\$40,000
Attorney			\$34,000
Admin	•	•	Ψ0-4,000

SORB Office Expansion One Time and Recurring Annual Charges Per Office

One Time Charges

Furniture Phone System and Line Ins	\$ st \$	9,000.00 6,500.00 500.00	\$1200 per office, plus \$3,000 for Conference, Reception, Kitchen
DSL Install Computer Equipment Advertising Supplies	9 \$ \$ \$ \$	9,500.00 1,500.00 1,000.00	4 Computers - @\$1200/each, 1 Server @\$3500
and the second s			222.22

Salaries for 3 attorneys, 1

Admin, plus 1.5% for DD

700 Square feet

@19.00/square foot

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	œ	28,000.00
	.n	Z.O. UUU.UU
Total One Time Charges	¥	
IT-IAI (ING LIMP LIUGIUGS		

Recurring Annual Charges

Payroll & DD

Rent

Phone Service
Internet Service
Supplies

\$ 238,000.00
\$ 17,100.00
\$ 4,800.00
\$ 3,000.00
\$ 1,000.00

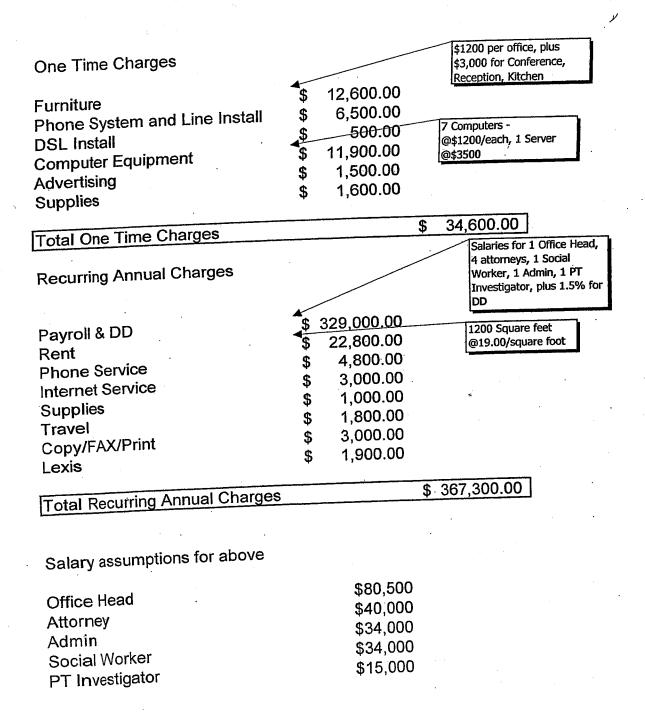
Internet Service \$ 3,000.00
Supplies \$ 1,000.00
Travel \$ 3,000.00
Copy/FAX/Print \$ 3,000.00
Lexis \$ 1,200.00

	œ	269,100.00
The Language Annual Charges	Ψ	209, 100.00
Total Recurring Annual Charges		

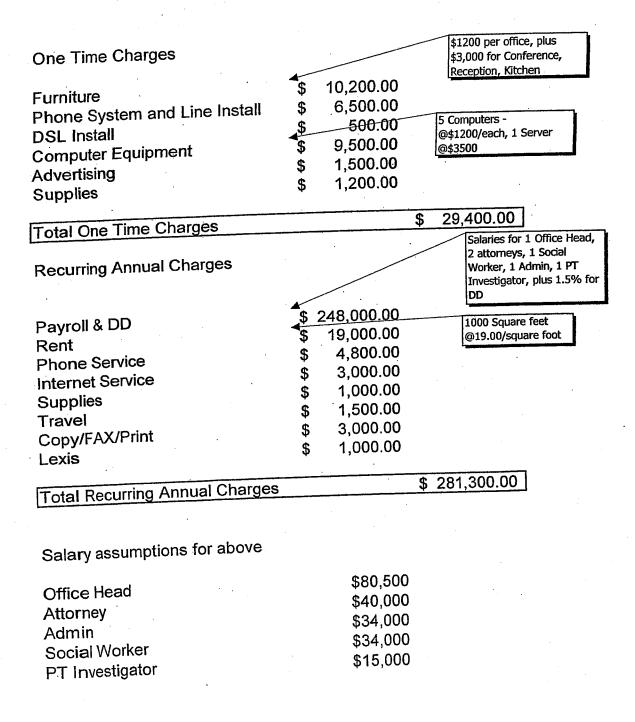
Salary assumptions for above

Office Hood	\$80,500
Office Head	\$40,000
Attorney	\$34,000
Admin	\$34,000

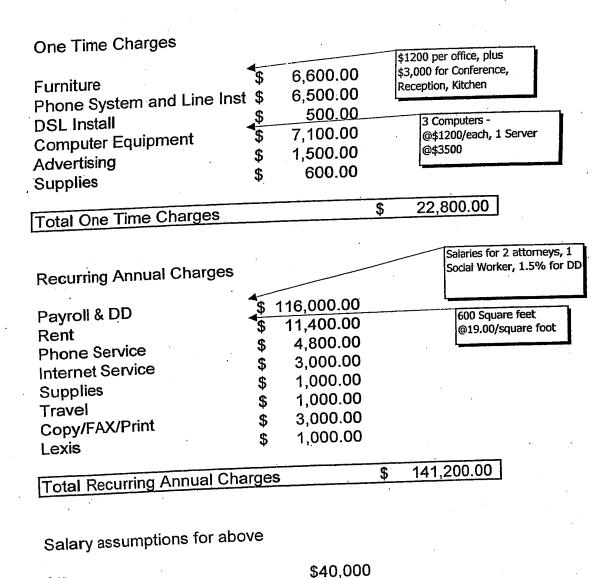
CAFL Office Expansion - 5 Attorney Model One Time and Recurring Annual Charges Per Office



CAFL Office Expansion - 3 Attorney Model One Time and Recurring Annual Charges Per Office



YAP Office Expansion One Time and Recurring Annual Charges Per Office



\$34,000

Attorney

Social Worker

FY 2005 Private Bar Rate Increase to Committee Approved Levels

2005 Cost \$	\$7,486,680	\$14,868,630	\$78,380,880	\$100,736,190	\$58,448,070	\$3,331,200	\$61,779,270	\$162,515,460
2005 Rate	\$120	\$30	\$60		\$90	\$60		
Incremental \$ Increase	\$4,117,674	\$8,425,557	\$39,190,440	\$51,733,671	\$33,120,573	\$1,665,600	\$34,786,173	\$86,519,844
\$ Increase Per Hour	99\$	\$51	\$30		\$51	\$30	·	
2005 Hours	62,389	165,207	1,306,348	1,533,944	649,423	55,520	704,943	2,238,887
Projected % Increase	8.00%	8.00%	8.00%		8.00%	8.00%		
2003 Cost \$	\$3,114,828	\$5,956,977	\$36,233,760		\$23,416,692	\$1,539,930		
2003 Hours	57,682	152,743	1,207,792	1,418,217	600,428	51,331	651,759	2,069,976
2003 Rate	\$54	\$39	\$30		\$39	\$30		
	1510			Sub Total	1512		Sub Total	Grand Total